

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

WALTER GREEN,

Plaintiff,

v.

Civil Action No. 3:15CV688

NAPH CARE,

Defendant.

MEMORANDUM OPINION

Walter Green, a Virginia state inmate, submitted this civil action and applied to proceed in forma pauperis. The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Green has at least three actions or appeals that have been dismissed as frivolous, malicious or for failure to state a claim upon which relief could be granted. See Green v. Angelone, No. 3:99CV487 (E.D. Va. Aug. 11, 1999) (citing Green v. Angelone, No. 97-6638 (4th Cir. May 28, 1997)). Green's current complaint does not demonstrate that he is in imminent danger of serious physical harm.

By Memorandum Order entered on December 11, 2015, this Court denied Green's request to proceed in forma pauperis and ordered him to submit the full filing fee within eleven (11) days of the date of entry thereof. The Court also ordered that to the extent Green disputed the fact that he has three actions or appeals that have been dismissed as frivolous, malicious or for failure to state a claim upon which relief could be granted, he must provide an explanation why the determination that he has three strikes is erroneous within eleven (11) days of the date of entry hereof.

Green has not paid the filing fee or disputed the Court's conclusion with respect to the determination that he has three strikes. Green simply renewed his request to proceed in forma pauperis. Green has failed to comply with the Court's directives in the December 11, 2015 Memorandum Order. Accordingly, this action will be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

The Clerk of the Court is directed to send a copy of this Memorandum Opinion to Green.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Date: January 21, 2016
Richmond, Virginia